

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:	§	
	§	
LEO EDWARD WHELAN,	§	CASE NO. 15-41659
	§	(Chapter 7)
DEBTOR	§	

AGREED ORDER ON MOTION REQUESTING RELIEF FROM AUTOMATIC STAY

On this day came on for consideration the Motion Requesting Relief from Automatic Stay to Proceed with Pending State Court Litigation (“Motion”) filed by Bill Huddleston (“Mr. Huddleston”) and the objection to the Motion (“Objection”) filed by Christopher J. Moser, Trustee (“Trustee”). Counsel for Mr. Huddleston and counsel for Trustee advised the Court that an agreement had been reached with respect to the Motion and the Objection. The Court finds that the agreement is in the best interest of the estate and should be approved. **IT IS THEREFORE,**

ORDERED that the Motion is granted in part and overruled in part. **IT IS FURTHER,**

ORDERED that the automatic stay is lifted on the terms set forth herein to allow Mr. Huddleston to proceed with that certain action pending in the 134th Judicial District Court of Dallas County, styled Bill Huddleston v. Wexco Resources, LLC, Leo Whelan, Bryson Wallace and Jordan Wallace; Cause No. DC 13-00712 (the “Lawsuit”). **IT IS FURTHER,**

ORDERED that the automatic stay is lifted to allow the Lawsuit to proceed against all defendants, other than, Leo Whelan (“Debtor”). Mr. Huddleston is authorized to pursue his claims against the Debtor in the Bankruptcy Court in Adversary No. 16-04013 which involves a timely filed complaint under 11 U.S.C. §§523 and 727. **IT IS FURTHER,**

ORDERED since certain of the claims asserted by Mr. Huddleston in the Lawsuit are property of the bankruptcy estate, Mr. Huddleston shall pay the bankruptcy estate 20% of any recovery he makes

on the claims, following payment of reasonable attorney's fees, including reasonable attorney's fees incurred in state court or bankruptcy court and including all other reasonable costs of litigation.

Signed on 2/10/2016

 SR

HONORABLE BRENDA T. RHOADES,
UNITED STATES BANKRUPTCY JUDGE

AGREED:

QUILLING, SELANDER, LOWNDS,
WINSLETT & MOSER, P.C.
2001 Bryan Street, Suite 1800
Dallas, Texas 75201
(214) 880-1805 (Telephone)
(214) 871-2111 (Fax)

By: /s/ Christopher J. Moser
Christopher J. Moser

ATTORNEYS FOR TRUSTEE

SERGI & ASSOCIATES, P.C.
329 South Guadalupe
San Marcos, Texas 78666
(512) 392-5010 (Telephone)
(512) 392-5042 (Fax)

By: /s/ David K. Sergi
David K. Sergi

ATTORNEYS FOR BILL HUDDLESTON